

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MAF, INC.,

Plaintiff,

V.

JOHN ISAAC, A/K/A JON ISAAC,

Defendant.

JOHN ISAAC, A/K/A JON ISAAC,

### Counterclaimant,

V.

## Counter-Defendant.

CASE NO.: 2:22-cv-01073-ART-VCF

## **ORDER GRANTING (ECF No. 45)**

**STIPULATED REGARDING THE  
BRIEFING SCHEDULE RELATED TO  
MAF, INC.'S MOTION FOR SUMMARY  
JUDGMENT [ECF 26]**

#### —(Fourth Request)

Pursuant to Local Rules LR IA 6-1, LR IA 6-2, LR 7-1, Plaintiff/Counter-Defendant MAF, Inc. (“MAF”), and Defendant/Counterclaimant John Isaac a/k/a Jon Isaac (“Isaac” or together with MAF, the “Parties”), by and through their respective counsel of record, stipulate, agree, and hereby request that the Court enter an Order setting the briefing schedule contemplated herein with respect to MAF’s pending Motion for Summary Judgment (ECF No. 26). This is the parties’ third request for an extension of briefing schedule on the Motion for Summary Judgment, and the request is based on the

1 following:

2 1. On February 21, 2023, Isaac propounded certain requests for production of documents  
3 and interrogatories on MAF;

4 2. On February 22, 2023, MAF filed its Motion for Summary Judgment (ECF No. 26);

5 3. On February 28, 2023, Isaac noticed the depositions of Michael Fusco and the FRCP  
6 30(b)(6) designee(s) of MAF. MAF also propounded certain requests for production of documents and  
7 interrogatories on Isaac this same day;

8 4. On March 3, 2023, Isaac noticed the deposition of Louis Senerchia and issued a  
9 subpoena for such deposition;

10 5. On March 7, 2023, DLA Piper LLP (US), MAF's then lead counsel, filed a Motion to  
11 Withdraw as Counsel (ECF No. 27);

12 6. On March 9, 2023, the parties submitted a Stipulation and [Proposed] Order to Stay of  
13 Proceedings, Continue Case Deadlines, and to Extend Discovery (ECF No. 29), whereby they sought  
14 a stay of the action pending the resolution of the Motion to Withdraw as Counsel so that the parties  
15 could reschedule discovery deadlines for mutually agreeable dates once MAF secured alternative  
16 counsel and also sought an extension of briefing deadlines relating to the pending motion for summary  
17 judgment;

18 7. On March 15, 2023, the Court issued an order vacating the pending briefing deadlines  
19 relating to the pending motion for summary judgment and directing the parties to submit a proposed  
20 briefing schedule as to the motion for summary judgment within seven days after the completion of the  
21 hearing before Magistrate Judge Cam Ferenbach on the Motion to Withdraw as Counsel and the parties'  
22 request for an extension of the discovery deadlines (ECF No. 32);

23 8. On April 3, 2023, Magistrate Judge Ferenbach held a hearing where he granted the  
24 Motion to Withdraw as Counsel and continued the hearing with respect to the parties proposed  
25 discovery deadlines to afford MAF sufficient time to secure alternative counsel (ECF No. 33);

26 9. On April 26, 2023, Magistrate Judge Ferenbach held a continued hearing on the parties'  
27 request for an extension of the discovery deadlines. *See* ECF No. 34. At that hearing, Magistrate Judge  
28 Ferenbach granted the parties' request to extend the discovery deadlines and ordered the parties to

1 submit a proposed discovery plan and scheduling order as well as a proposed briefing schedule on the  
 2 motion for summary judgment by May 3, 2023. *Id.*

3 10. On May 5, 2023, the Court approved the parties' Joint Stipulation to Extend Discovery  
 4 Deadlines (Second Request). *See* ECF No. 37.

5 11. On May 15, 2023, the Court approved the parties' Joint Stipulation Setting Briefing  
 6 Scheduling on Motion for Summary Judgment (Second Request). *See* ECF No. 38.

7 12. On June 16, 2023 MAF served responses to Isaac's First Set of Interrogatories and  
 8 Requests for Production of Documents. Isaac also served responses to MAF's First Set of  
 9 Interrogatories and Requests for Production of Documents, and First Supplement to Initial Disclosures.

10 13. On June 27, 2023, MAF served supplemental responses to Isaac's First Set of Requests  
 11 for Production of Documents and Second Supplement to Initial Disclosures.

12 14. Lead counsel for Isaac previously stepped back from the full-time practice of law,  
 13 requiring the reassignment of this matter to new counsel within the same firm.

14 15. On August 25, 2023, Isaac served his second supplemental document disclosures  
 15 providing additional evidence documenting the extent of Isaac's claimed damages.

16 16. Following MAF's review of the documents provided in the second supplemental  
 17 disclosures, counsel for the parties engaged in discussions regarding the posture of the case and whether  
 18 it was ripe for resolution. Counsel determined that in order to provide parties the appropriate  
 19 information to meaningfully negotiate that Isaac would need to issue a 3<sup>rd</sup> party subpoena for the Chubb  
 20 Insurance claim file regarding the insurance claim underlying the dispute between the parties (the  
 21 "Chubb Claim File") and will also need to move forward with the deposition of Louis Senerchia.

22 17. The parties have since met and conferred regarding the discovery deadlines and briefing  
 23 schedule on the motion for summary judgment, and have agreed to extend the briefing schedule on the  
 24 motion for summary judgment so that (1) Isaac's counsel has the opportunity to obtain the Chubb Claim  
 25 file, (2) the parties have an opportunity to complete the deposition of Louis Senerchia, and (3) the  
 26 parties may engage in private settlement discussions and, if needed a settlement conference with the  
 27 Court.

28  
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1       Based on the foregoing, the parties respectfully request that the Court set the following briefing  
2 schedule on the Motion for Summary Judgment (ECF No. 26):

3       A.      Isaac shall have up to and including January 9, 2024 to file his Response to MAF's  
4 Motion for Summary Judgment;

5       B.      MAF shall have up to and including January 23, 2024 to file its Reply in support of its  
6 Motion for Summary Judgment.

7       Respectfully Submitted,

8       DATED this 9<sup>th</sup> day of November 2023.

9       **GREENBERG TRAURIG, LLP**

10      /s/ Glenn F. Meier  
11      MARK E. FERRARIO  
12      Nevada Bar No. 1625  
13      GLENN F. MEIER  
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19      *Counsel for Jon Isaac*

20       DATED this 9<sup>th</sup> day of November 2023.

21       **EVANS FEARS & SCHUTTER LLP**

22      /s/ Chad R. Fears  
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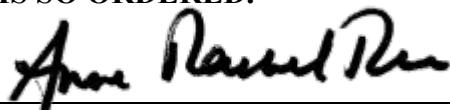
28       **ORDER**

1       Based on the foregoing stipulation of the parties and good cause appearing therefore,

2       IT IS HEREBY ORDERED that Isaac's Response to MAF's Motion for Summary Judgment  
3 (ECF No. 26) shall be filed and served on or before January 9, 2024.

4       IT IS FURTHER ORDERED that MAF's Reply in support of its Motion for Summary  
5 Judgment shall be filed and served on or before January 23, 2024.

6       **IT IS SO ORDERED.**

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9      ANNE R. TRAUM  
10     UNITED STATES DISTRICT JUDGE

11     DATED: November 14, 2023